

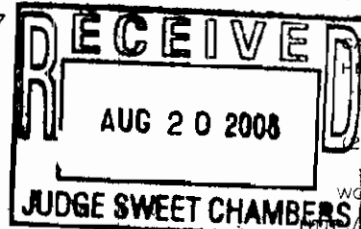
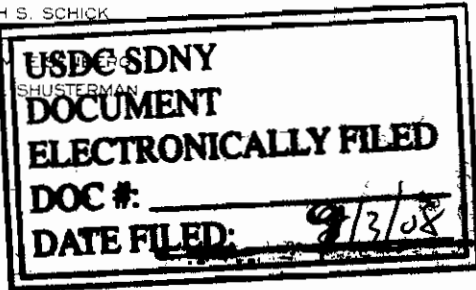
HELLER, HOROWITZ & FEIT, P.C.

JACOB W. HELLER
RICHARD F. HOROWITZ
ELI FEIT
LAWRENCE J. TOSCANO
STUART A. BLANDER
MAURICE W. HELLER
ALAN A. HELLER
CLIFFORD J. BOND
JOSEPH S. SCHICK

ATTORNEYS AT LAW
292 MADISON AVENUE
NEW YORK, N.Y. 10017
(212) 685-7600

OF COUNSEL
MARTIN STEIN
AMY E. MOSERY

ALLEN E. BERG
EVAN R. SHUSTERMAN



MAILING ADDRESS
HELLER, N.Y.
TELECOPIER
(212) 696-9459
WORLD WIDE WEB
WWW.HHANDF.COM

WRITER'S E-MAIL
RFHOROWITZ@HHANDF.COM

August 19, 2008

VIA FAX (212- 805-7925) AND MAIL

Honorable Robert W. Sweet, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1920
New York, NY 10007

**Re: Axion Power International, Inc., et al.
v. Mercatus & Partners, Ltd., et al
Case No. 07 CV 11493 (RWS)**

Dear Judge Sweet:

We represent Defendants Mercatus & Partners, Ltd. and Stefano Cevolo, in the above referenced action. Subject to the Court's approval, counsel for Plaintiffs and we have agreed to the following schedule:

1. Plaintiffs' papers in opposition to our clients' motion to dismiss as to Defendant Cevolo and for a stay will be filed on or before August 27, 2008.
2. Our reply papers in further support of that motion will be filed on or before September 4, 2008.
3. The return date of that motion will be adjourned to September 4, 2008 at noon. However, the motion will be made on submission and no personal appearance by counsel will be required on that date.
4. Defendant Mercatus will answer or otherwise move with respect to the Amended Complaint on or before September 22, 2008.

*So ordered
Stefano Cevolo
8.28.08*

HELLER, HOROWITZ & FEIT, P.C.

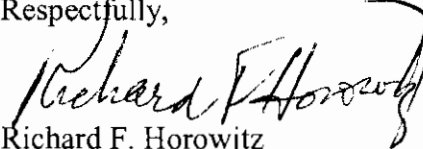
Hon. Robert W. Sweet

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5. In the event the Court denies Cevolo's motion to dismiss prior to September 22, 2008, Cevolo will also answer the Amended Complaint on or before September 22, 2008.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard F. Horowitz", with a large, stylized flourish at the end.

Richard F. Horowitz

RFH:lt

cc: Alan S. Fellheimer, Esq. (All via email)

William P. Frank, Esq.

Donald Lewis, Esq.

James A. Prestiano, Esq.